THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.16506 OF 2005.

DATED 27-07-2005.

Between

A. Krishna Kumari **...Petitioner**

And

1.State of A.P. rep. By Secretary,

Municipal Administration Department,

Secretariat Buildings, Hyderabad and another

...Respondents

ORDER

This writ petition is filed challenging the action of the 2nd respondent in attempting to demolish the building in H.No.50-93/3/B, Shantipuram, Visakhapatnam without passing any orders on the applications of the petitioner, dated 12-09-1998 and 16-03-2003 seeking regularization of the construction and consequential direction not to demolish the building pending disposal of the aforesaid applications.

It is the case of the petitioner that she purchased the site and applied for approval of the building plan to the 2nd respondent in order to construct a house thereon. Since no orders were passed by the 2nd respondent, she constructed the aforesaid house in the said site in the year 1987 and has been in possession and enjoyment of the same. Thereafter, the 2nd respondent issued a tax pass book assessing the property tax for the said building which has been paid by the petitioner regularly. In response to the Building Regularization Scheme, the petitioner applied for regularization of her building on 17-09-1998,

and paid Rs.2,370/- towards conversion fee and complied certain objections on 30-11-1998 as demanded by the 2nd respondent, and has been awaiting orders thereon. Again on 16-03-2003, the petitioner gave an application to the 2nd respondent requesting to release her building plan after regularization and the same is pending. Surprisingly, on
22-07-2005 the Building Inspector and other staff members came to the premises and threatened to demolish the building on the orders of the 2nd respondent. Hence the writ petition.

Considering the submissions made and on perusal of record, it is seen that there is no dispute with regard to the submission of aforesaid two applications by the petitioner to the 2nd respondent for regularization of building plan. There is also no dispute in regard to issuance of tax pass book by the 2nd respondent in respect of the said building and payment of property tax regularly by the petitioner and also submission of application by the petitioner under Building Regularization Scheme on 17-09-1998 and payment of conversion of Rs.2,370/-. Admittedly, the aforesaid representations are pending before the 2nd respondent and orders have been awaited. In the circumstances, I deem it appropriate to direct the respondents to consider the aforesaid representations filed by the petitioner and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order after giving notice and opportunity to the petitioner. Till such time, the respondents are directed not to take any action and demolish the building.

Accordingly, the writ petition is disposed of.

27-07-2005.

Hsd